

Message Text

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SUBJ: EVALUATION OF THE CONSULAR FUNCTION

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I APPRECIATE THE OPPORTUNITY TO COMMENT ON THE CONSULAR FUNCTION.
MY ANSWERS WILL BE RELATED TO THE QUESTIONS RAISED, ALTHOUGH I
WILL TAKE THE OPPORTUNITY TO SUGGEST SOME DIFFERENT APPROACHES AND
VIEWS ON THE SUBJECT AS I RESPOND TO EACH OF THE QUESTIONS.

1. I DO NOT CONSIDER MYSELF AN EXPERT IN CONSULAR MATTERS AND,
THEREFORE, DO NOT WISH TO BE SO PRESUMPTUOUS AS TO SUGGEST CHANGES
IN THE LEGISLATION. I DO HAVE THE FEELING, HOWEVER, THAT PRESENT
LEGAL REQUIREMENTS ARE BASED PERHAPS ON FAULT PREMISES. THE MAJOR
PREMISE IS THAT THROUGH APPROPRIATE SCREENING AT OVERSEAS POSTS AND
AT PORT OF ENTRY, ILLEGAL IMMIGRATION CAN BE HALTED. IT SEEMS TO
ME THAT THIS IS A PREMISE REQUIRING FURTHER ANALYSIS, PARTICULARLY
IN LIGHT OF OUR EXPERIENCE SINCE WORLD WAR II. ALL EVIDENCE THAT
I HAVE SEEN WOULD SUGGEST THAT ALTHOUGH, UNDOUBTEDLY, OUR PRESENT
PRACTICES DO PREVENT A CERTAIN AMOUNT OF ILLEGAL ENTRY. IT IS NOT
NECESSARILY THE SOLUTION. FURTHERMORE, I WOULD SUGGEST THAT IN
LIGHT OF THIS ADMINISTRATION'S EMPHASIS ON THE RIGHT TO TRAVEL,
ANOTHER REVIEW OF OUR FUNDAMENTAL APPROACH MIGHT BE IN ORDER.
FINALLY, A BASIC REVIEW SHOULD FOCUS ON THE QUESTION OF HOW
SERIOUS THE US GOVERNMENT IS IN THE ENFORCEMENT OF OUR
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IMMIGRATION LAWS.
THIS LAST POINT WAS BROUGHT HOME TO ME AGAIN WHEN I RECEIVE
A COMMENTARY FROM OUR CONSUL GENERAL ON QUESTION ONE OF REFERENCE CABL
E.
HE SAID, "CONSULAR OFFICERS HERE FEEL THAT THERE IS UNWILLINGNESS
(ADMINISTRATION, CONGRESS, THE COURTS) TO ENFORCE OUR IMMIGRATION
LAW...LACK OF SUPPORT IN THE UNITED STATES CAUSES SERIOUS MORALE

PROBLEMS AMONG CONSCIENTIOUS CONSULAR OFFICERS TRYING TO ENFORCE THE IMMIGRATION AND NATIONALITY ACT." MY IMPRESSION IS THAT THIS PERCEPTION IS GENERALLY ACCEPTED BY CONSULAR OFFICERS SERVING OVERSEAS AND, THEREFORE, NEEDS TO BE DEALT WITH IN A SERIOUS AND EARNEST MANNER.

A YEAR OR SO AGO THE DEPARTMENT OF STATE REPORTED TO THE FIELD ON AN EFFORT BEING MADE TO PROVIDE THAT AFFIDAVITS OF SUPPORT EXECUTED ON BEHALF OF IMMIGRANTS BY US CITIZENS AND RESIDENT ALIENS SHOULD BE LEGALLY ENFORCEABLE OBLIGATIONS. NOTHING SEEMS TO HAVE COME OF THIS, AND JACK ANDERSON AND LES WHITTEN HAVE JUST POINTED UP THE SERIOUSNESS AND PERVASIVENESS OF THE PROBLEM IN THEIR COLUMN IN "THE WASHINGTON POST" OF SEPTEMBER 3, 1977. CONSULAR OFFICERS ARE AWARE OF THE FACT THAT LARGE NUMBERS OF IMMIGRANTS GO ON WELFARE ROLLS OR OTHERWISE COLLECT SOME FORM OF PUBLIC ASSISTANCE SOON AFTER THEIR ADMISSION INTO THE UNITED STATES. SO, ALTHOUGH THE AFFIDAVITS OF SUPPORT IN THE FINAL ANALYSIS ARE ESSENTIALLY WORTHLESS, DEPENDING AS THEY DO SOLELY ON THE WILL OF THE AFFIANTS, WHO ARE ANSWERABLE TO NO ONE ON WHAT IS ONLY A MORAL OBLIGATION, CONSULAR OFFICERS ARE NECESSARILY OBLIGED TO ACCEPT THEM AS PROOF THAT APPLICANTS WILL NOT BECOME PUBLIC CHARGES SO LONG AS THEY MEET THE REQUIREMENTS OF THE VISA REGULATIONS. WERE CONSULAR OFFICERS TO CHALLENGE AFFIDAVITS OF SUPPORT WHOLESAL, AS EXPERIENCE DICTATES WOULD REALLY BE REASONABLE, PRESSURE WOULD BE BROUGHT FROM ALL QUARTERS AND THE CONSULAR OFFICERS WOULD BE ACCUSED OF UNJUSTIFIABLY QUESTIONING THE GOOD FAITH OF AFFIANTS. IT IS CERTAIN THAT MOST, IF NOT ALL, LIMITED OFFICIAL USE

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CONSULAR OFFICERS WOULD SUPPORT FEDERAL LEGISLATION MAKING AN AFFIDAVIT OF SUPPORT FOR AN IMMIGRANT INTO A BINDING, LEGALLY ENFORCEABLE OBLIGATION.

BECAUSE OF THE HIGH VISA FRAUD RATE HERE AND HIGH ADJUSTMENT OF STATUS RATE OF KOREANS IN THE UNITED STATES, IT WOULD BE A SERIOUS RISK TO WAIVE NON-IMMIGRANT VISAS FOR KOREANS. IF NON-IMMIGRANT VISAS WERE WAIVED FOR JAPAN, IT COULD CAUSE LOSS OF FACE FOR KOREA, FOR IT WOULD BE TANTAMOUNT TO A PUBLIC ANNOUNCEMENT THAT JAPANESE ARE MORE HONEST THAN KOREANS.

2. IN ANSWER TO THIS QUESTION, OUR CONSUL GENERAL REQUESTED THAT ADDITION OF TWO MORE AMERICAN OFFICERS, ONE FOR AMERICAN SERVICES AND ANOTHER FOR NON-IMMIGRANT VISAS. HE ALSO SUGGESTED A NEED FOR AN ADDITIONAL FSL CLERK-INTERPRETER IF A NEW NON-IMMIGRANT OFFICER POSITION WERE TO BE ESTABLISHED. HE ALSO RECOMMENDED THE ADDITION OF TWO MORE LOCAL INVESTIGATORS AND AN UPGRADE OF SOME OF HIS LOCAL CONSULAR POSITIONS.

I HAVE NO DOUBT THAT THE CONSULAR SECTION IN THIS EMBASSY IS TIGHTLY STAFFED. THAT IS MY GENERAL APPROACH TO ALL PERSONNEL REQUIREMENTS. LIKE SOME OTHER FOREIGN SERVICE ENDEAVORS, CONSULAR WORK IS ONLY PARTIALLY AMENABLE TO A QUANTITATIVE ANALYSIS. I WOULD SUGGEST PERHAPS THAT WE HAVE IN OUR ATTEMPTS TO JUSTIFY THE

SIZE OF OUR ESTABLISHMENTS GIVEN TOO MUCH CREDENCE TO THE QUANTITATIVE APPROACH TO STAFFING. I HAVE A FEELING THAT, PARTICULARLY IN THE NON-IMMIGRANT AND IMMIGRANT VISA WORK, GREATEST STRESS SHOULD BE PUT ON THE QUALITATIVE ASPECTS. I FEEL PERHAPS THAT IF MORE RESOURCES WERE DEVOTED TO EITHER OF THESE SUB-FUNCTIONS, WE PROBABLY WOULD NOT PROCESS APPLICATIONS ANY MORE EXPEDITIOUSLY, BUT WULD CERTAINLY TAKE GREATER CARE WITH EACH APPLICATION. THE QUESTION THAT HAS TO BE RAISED, THEREFORE, IS WHETHER AN APPLICATION IS WORTH FIVE, TEN, 15 MINUTES OR A HALF HOUR. WE HAVE LONG STRUGGLED WITH THE QUESTION OF WHY CERTAIN POSTS SEEM TO PROCESS APPLICATIONS MORE RAPIDLY THAN OTHERS, AND HAVE UNDOUBTEDLY THOUGHT OF MANY DIFFERENT REASONS. BUT THE FUNDAMENTAL QUESTION OF "QUALITY CONTROL" HAS NVEVER BEEN ADEQUATELY ANSWERED. WE LEAVE IT BASICALLY TO THE LIMITED OFFICIAL USE

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JUDMENT OF AN INDIVIDUAL OFFICER; WE GIVE HIM THE LAW AND TELL

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HIM IT'S HIS RESPONSIBILITY TO IMPLEMENT IT; AND THEN WE WALK AWAY FROM IT. IN MY JUDGMENT, THATIS NOT FAIR TO THE OFFICER, TO THE LAW OR TO THE APPLICANT. AS IS THE CASE IN MANY JUDICIAL OR QUASI JUDICIAL PROCEDURES, THE APPLICATION OF THE LAW WILL VARY FROM JUDGE TO JUDGE. IT IS NOT CLEAR TO ME THAT TODAY THIS IS AN ACCEPTABLE PRACTICE FOR AN ENLIGHTENED CONSULAR OPERATION.

3. FUNDING IS SUFFICIENT FOR CONSULAR OPERATIONS AND TRAVEL WITH PRESENT STAFFING.

4. I AM TOLD THAT OUR CONSULAR OFFICERS DO NOT PERCEIVE THEMSELVES AS "SECOND-CLASS CITIZENS" WITHIN THIS POST. I CAN'T BE CERTAIN WHY THIS IS THE CASE, BUT FOR EXAMPLE I DO REQUIRE THE CONSUL GENERAL TO PARTICIPATE IN MY THRICE WEEKLY STAFF MEETINGS THEREBY PROVIDING A CONTINUING INFORMATION LINE TO CONSULAR OFFICERS. MY DCM HAS MADE IT A PRACTICE TO VISIT THE CONSULAR SECTION FREQUENTLY. WE ARE PLACING GREAT STRESS ON PROVIDING ADEQUATE SPACE AND A PLEASANT ENVIRONMENT FOR THE CONSULAR STAFF. FINALLY, WE HAVE UNDERTAKEN AN AMBITIOUS PROGRAM OF MECHANIZATION IN THIS EMBASSY, WHICH WE HOPE WILL BRING TO BEAR ON THE CONSULAR FUNCTION SOME OF THE MORE MODERN AMERICAN MANAGEMENT TECHNIQUES. IN ESSENCE, THE CONSULAR FUNCTION HERE IS NEVER NEGLECTED. NEVERTHELESS, I AM NOT COMPLETELY SATISFIED WITH THE SITUATION. OUR CONSULAR SECTIONS ARE STAFFED BY FOREIGN SERVICE OFFICERS. IT IS TRUE THAT JUST AS THEIR COLLEAGUES, THEY ARE ASSIGNED TO LIMITED OFFICIAL USE

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A PARTICULAR FUNCTION, WHICH THE FOREIGN SERVICE MUST DISCHARGE. HOWEVER, UNDOUBTEDLY, THEY PERCEIVE THEIR FUNCTION TO BE SOMEWHAT APART FROM THE MORE GLAMOROUS EFFORTS OF AN EMBASSY. ON THE OTHER HAND, THEY ARE IN TOUCH WITH A SEGMENT OF THE POPULATION THAT OTHER EMBASSY OFFICERS DO NOT HAVE AN OPPORTUNITY TO MEET. I DON'T KNOW WHETHER THERE ARE SOME USEFUL INSIGHTS TO BE GAINED FROM THIS SEGMENT THAT WE DO NOT OBTAIN FROM OUR NORMAL CONTACTS. IT IS A QUESTION THAT I WOULD LIKE TO EXPLORE FURTHER. I AM CONSIDERING AT THE MOMENT THE POSSIBILITY OF ASSIGNING A MEMBER OF THE POLITICAL SECTION, ON A PART-TIME BASIS, TO THE NON-IMMIGRANT FUNCTION, WITH THE SPECIFIC CHARGE TO ALL AMERICAN OFFICERS OF THE NON-IMMIGRANT VISA SECTION TO EXPLORE WITH THEIR APPLICANTS THEIR VIEWS OF THE KEY ISSUES OF THE DAY. I WANT TO SEE WHETHER IN ADDITION TO THE BASIC RESPONSIBILITY OF JUDGING THE NON-IMMIGRANT VISA APPLICATION, WE MIGHT NOT ALSO RECEIVE INFORMATION WHICH MAY BE IMPORTANT TO OUR PERCEPTIONS OF WHAT IS GOING ON IN THE COUNTRY. AS A SIDE BENEFIT, UNDOUBTEDLY, THIS BROADENING OF THE SCOPE OF ACTIVITIES OF THE NON-IMMIGRANT VISA ISSUING OFFICER WOULD ADD A POSITIVE INCENTIVE TO THEIR TASK. WE SHOULD, HOWEVER, RECOGNIZE THE VERY DIFFICULT NATURE OF OUR CONSULAR FUNCTIONS. AT THIS POINT, FOR EXAMPLE, WE HAVE ABLE COMPETENT YOUNG OFFICERS WHO FACE DAY IN AND DAY OUT A VERITABLE TIDE OF APPLICANTS, EACH OF WHOM BELIEVES HIS CASE TO BE THE MOST URGENT, AND MANY OF WHOM UNDOUBTEDLY SEE THEIR OPPORTUNITY TO GO TO THE UNITED STATES AS A GREAT STEP FORWARD IN THEIR LIVES. THE CONSULAR OFFICERS, ON THE OTHER HAND, FEEL CHARGED WITH A LEGAL RESPONSIBILITY THAT THEY AND ONLY THEY CAN DISCHARGE. IT IS A SITUATION IN WHICH TENSION MUST RUN RAMPANT AND WHICH MUST HAVE A NEGATIVE IMPACT ON THE CONSULAR OFFICER, AS WELL AS THE APPLICANT. ROTATION WITHIN A SECTION OBVIOUSLY IS OF SOME HELP. BUT THE FUNDAMENTAL "WEAR AND TEAR" CONTINUES, PARTICULARLY ON THE YOUNGER OFFICERS, WHO FEEL THEIR RESPONSIBILITIES WEIGHING

HEAVILY ON THEIR SHOULDERS. IN ESSENCE, WE MUST ACCEPT, THEREFORE,
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THAT AS LONG AS WE OPERATE WITH THE CONCEPT OF RESTRICTED
IMMIGRATION, THERE ARE LIMITS IN ASSISTING CONSULAR OFFICERS.

5. TO THE EXTENT THAT THIER RESPONSIBILITIES ARE PERTINENT
TO THE ISSUES. I SHOULD NOTE THAT THE PARM DOES INCLUDE US
OBJECTIVES RELATED TO CONSULAR OPERATIONS.

6. THERE ARE NO CONSTITUENT CONSULAR POSTS IN KOREA AND I
CONSIDER THAT APPROPRIATE IN VIEW OF SIZE OF THE COUNTRY AND
SHAPE OF OUR CONSULAR ACTIVITIES.

7. YES.

8. YES, AT PRESENT STAFFING LEVEL. CONSULAR OPERATIONS ARE
IN CHANCERY.

9. YES TO BOTH QUESTIONS. IN WELFARE AND WHEREABOUTS CASES,
FAMILIES IN US WITH LEGITIMATE CONCERN ABOUT AMERICANS MISSING OR
IN TROUBLE CANNOT BE INFORMED WITHOUT CONSENT OF THE SUBJECT,
BECAUSE OF THE PRIVACY ACT. CONSULAR OFFICERS ARE ALSO CONCERNED
ABOUT THEIR PERSONAL LIABILITIES UNDER THESE ACTS IN
PERFORMING OFFICIAL DUTIES.

10. WE EXPECT INCREASING NON-IMMIGRANT VISA APPLICATIONS AS THE
ECONOMY OF KOREA IMPROVES, WITHSIMULTANEOUS INCREASING ATTEMPTS
TO GET TO THE US BY FRAUD BECAUSE OF THE INCREASING NUMBER OF
KOREANS ALREADY THERE WHO ARE DOING WELL, EVEN THOSE WHO WENT IN
ILLEGALLY. THE ROKG APPEARS TO BE MAKING IT EASIER TO GET PASSPORTS,
WHICH ALSO INCREASES OUR WORK LOAD. WE EXPECT MORE DEMAND FOR SERVICE
S
FOR AMERICANS VISITING KOREA FOR BUSINESS AND PLEASURE AS THE
ECONOMY IMPROVES AND MORE MARRIAGES BETWEEN KOREANS AND SERVICEMEN
BECAUSE OF TROOP WITHDRAWAL. WE HAVE SHIFTED OFFICERS FROM IMMIGRANT
VISA ISSUANCE TO AMERICAN SERVICES AND THE NON-IMMIGRANT VISA UNIT
IN ORDER TO COPE WITH THE INCREASING WORK IN THOSE AREAS.

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11. CONSULAR PACKAGE IS A GOOD MEASUREOF SOME OF CONSULAR WORK
BUT DOES NOT ADEQUATELY SHOW TIME DEVOTED TOPROTECTION AND WELFARE
AND TO DETECTING AND INVESTIGATING FRAUD IN THE VISA AREA. FOR
EXAMPLE, OUR OFFICERS INTERVIEW ALL PROSPECTIVE CIVILIAN BRIDES AND
GROOMS, ONE OF WHOM IS KOREAN AND THE OTHER AMERICAN OR PERMANENT

RESIDENT ALIEN, BEFORE NOTARIZING A STATEMENT WHICH PERMITS THEM TO BE MARRIED IN KOREA--PURPOSE IS TO SEE IF RELATIONSHIP IS VALID OR ONLY FOR IMMIGRATION PURPOSES. WE UNDERSTAND SOME KOREANWOMEN WILL PAY UP TO \$5,000 FOR PROXY MARRIAGE TO AMERICANS. EACH INTERVIEW TAKES APPROXIMATELY A HALF HOUR. SCREENING OF ADJUSTMENT OF STATUS APPLICATIONS (G-325A'S) NEEDS CARE AND ANALYSIS, BUT THE TIME SPENT IS NOT ADEQUATELY PORTRAYED IN THE CONSULAR PACKAGE. FRAUD IS OUR GROWTH INDUSTRY IN CONSULAR MATTERS IN KOREA.

12. YES, TO BOTH QUESTIONS.

13. WE ARE FORCED TO REFUSE A SIGNIFICANT NUMBER OF NON-IMMIGRANT VISAS TO WELL-CONNECTED KOREANS, WHICH CAUSES PROBLEMS, EXPECIALLY SINCE THESE HIGH RANKING KOREANS ARE QUITE WILLING TO HELP RELATIVES OR FRIENDS GET VISAS EVEN IF THE CASES ARE DUBIOUS. MANY KOREAN GOVERNMENT OFFICIALS ARE UNABLE TO UNDERSTAND WHY AN AMERICAN CONSULAR OFFICER CANNOT ISSUE A VISA SIMPLY OUT OF COURTESY TO ANOTHER OFFICIAL.
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